

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMES K. WARDELL,

Plaintiff,

v.

PAUL R. COCHRAN and JIM BENEDETTI,

Defendants.

3:06-cv-00668-LRH (RAM)

ORDER

The Court has considered the Report and Recommendation of U.S. Magistrate Judge Robert A. McQuaid, Jr. (#22) entered on February 10, 2009, in which the Magistrate Judge recommends that the Defendants' Motion to Dismiss (#10) be granted. No objection was filed. The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

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1 ADOPTS AND ACCEPTS the Report and Recommendation of the United States  
2 Magistrate Judge (#22); therefore, Defendants' Motion to Dismiss (#10) is GRANTED without  
3 prejudice.

4 IT IS FURTHER ORDERED that Defendants' Motion to Strike (#16) is GRANTED and  
5 Defendants' Motion for Enlargement of Time (#17) is DENIED AS MOOT.

6 The Clerk shall enter judgment accordingly.

7 IT IS SO ORDERED.

8 DATED this 9<sup>th</sup> day of March, 2009.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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